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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,704	12/21/2001	Shilpa Tipnis	20-488	6904

7590 02/03/2006

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Washington, DC 20036-3307

EXAMINER
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SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,704

Applicant(s)

TIPNIS ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12/21/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12 is/are rejected.
- 7) ☐ Claim(s) 3 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/21/03</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 7 recites the limitation “substantially” this limitation makes the claim indefinite.

Claim 9 line 8 recites the limitation “substantially” this limitation makes the claim indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fransioli (International Publication Number WO 01/86918 A2).

*Regarding claim 1*, Fransioli essentially discloses all of the claimed invention as set forth in the instant application, additionally Fransioli discloses the location based messaging method and system, further as best understood by the examiner in view of the 112 rejection Fransioli discloses a method of providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising using a location based wireless service to obtain a location of a subscriber using wireless or cellular network signaling (which reads on page 2 lines 3-5), identifying a short message relating to said location, and transmitting said identified short message to said subscriber substantially while said subscriber remains at said determined location (which reads on page 2 lines 8-9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Schaphorst (Patent Number 5,767,795).

*Regarding claims 2, 4, 10*, Fransioli discloses everything claimed, as applied above (see claim 1) however, Fransioli fails to specifically disclose determining a speed of said subscriber.

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In the same field of endeavor, Schaphorst discloses a gps-based information system for vehicles. In addition Schaphorst discloses the use of determining a speed of said subscriber as disclosed in column 5 lines 51-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of subscriber as taught by Schaphorst for the purpose of immediately provide the user with all information pertaining to the location.

***Regarding claims 5-7***, Fransioli discloses everything claimed, as applied above (see claim 1) however, Fransioli fails to specifically discloses guide information in a said location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber.

In the same field of endeavor, Schaphorst discloses a gps-based information system for vehicles. In addition Schaphorst discloses guide information in a said location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber as disclosed in column 2 lines 59-61.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of discloses guide information in a said location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber as taught by Schaphorst for the purpose of immediately provide the user with all information pertaining to the location.

***Regarding claim 8***, Fransioli in view of Schaphorst discloses everything claimed, as applied above (see claim 1) additionally, Fransioli discloses said location of said subscriber is

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determined using the known location of a cell/sector servicing said subscriber (which reads on page 6 lines 1-6).

**Regarding claim 9**, Fransioli in view of Schaphorst discloses everything claimed, as applied above (see claim 1) further as best understood by the examiner in view of the 112 rejection, Fransioli discloses apparatus for providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising means for obtaining a location-based wireless service a location of a subscriber (which reads on page 2 lines 3-5), means for identifying a short message relating to said location, and means for transmitting said identified short message to said subscriber substantially while said subscriber remains at said determined location (which reads on page 2 lines 8-9).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fransioli in view of Schaphorst and further in view of well known prior art.

**Regarding claim 12**, Fransioli in view of Schaphorst discloses everything claimed, as applied above (see claim 1) however, Fransioli in view of Schaphorst fails to disclose a short messaging system to maintain said short message.

The examiner contends, however, that such a feature is well known in the art, and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Fransioli in view of Schaphorst with a short messaging system to maintain said short message as for the purpose of allowing messages to be transmitted and received.

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***Allowable Subject Matter***

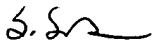
4. Claims 3 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

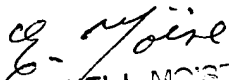
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
March 15, 2005

  
EMMANUEL L. MOISE  
PRIMARY EXAMINER